

BEFORE THE PUBLIC DISCLOSURE COMMISSION
OF THE STATE OF WASHINGTON

IN RE COMPLIANCE)	PDC CAUSE NO. #01-181
WITH RCW 42.17)	
)	FINAL ORDER IMPOSING FINE
Metropolitan Mortgage and)	
Securities Co., Inc.)	
)	
Respondent.)	

The Washington State Public Disclosure Commission (Commission) conducted an enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on September 27, 2001.

The Commission conducted the hearing to consider the Summary of Facts and Violations, along with the stipulation between the parties as to facts, violations and penalty, and to consider whether to accept the stipulation in lieu of a full enforcement hearing.

The Commission held the hearing at Evergreen Plaza Building, Room 206, 711 Capitol Way South, in Olympia, Washington. The Respondent was represented by Michael K. Vaska, Attorney for Metropolitan Mortgage and Securities, Co., Inc. The Staff appeared through F. Neil Gorrell, Assistant Attorney General.

The Commission heard oral argument. The Commission considered the Summary of Facts and Violations dated September 10, 2001, and the Stipulation of Facts, Violations and Penalty dated September 10, 2001.

The parties stipulated that the facts section of the Summary of Facts and Violations contained accurate statements of fact. The parties further stipulated that based on those facts the Commission would likely find two violations of RCW 42.17. Finally, the parties stipulated

1 that Respondent was willing to pay \$10,000.00 within 60 days from the entry of this Final
2 Order. An additional \$10,000.00 is suspended on the condition that there be no violations of
3 any provision of RCW 42.17 within four years from the date of this Final Order.

4 Based on this record, THE COMMISSION ACCEPTS THE STIPULATION OF
5 FACTS, VIOLATIONS, AND PENALTY. THE COMMISSION ORDERS that the
6 Respondent has committed two violations of RCW 42.17.105.

7 THE COMMISSION FURTHER ASSESSES a penalty of \$10,000.00, payable within
8 60 days from the entry of this Final Order. THE COMMISSION ASSESSED an additional
9 \$10,000.00 penalty that is suspended on the condition that there be no violations of any
10 provision of RCW 42.17 within four years from the date of this Final Order. The suspended
11 portion of this penalty will only be imposed upon a finding of violation or order of referral by
12 the full Commission, or other final adjudication after Respondent is afforded all due process to
13 which it is entitled under the law.

14 Any party may ask the Commission to reconsider this final order. Parties must place
15 their requests for reconsideration in writing, include the specific grounds or reasons for the
16 request, and deliver the request to the Public Disclosure Commission Offices within 10 days of
17 the date that the Commission serves this order upon the party.

18 Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure
19 Commission is subject to judicial review under the Administrative Procedures Act, chapter
20 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed with
21 the superior court in Thurston County or the petitioner's county of residence or principal place
22 of business. The petition for judicial review must be served on the Public Disclosure
23 Commission and any other parties within 30 days of the date that the Public Disclosure
24 Commission serves this final order on the parties.

1 If reconsideration is properly sought, the petition for judicial review must be served on
2 the Public Disclosure Commission and any other parties within 30 days after the Commission
3 acts on the petition for reconsideration. Pursuant to RCW 34.05.470(3), the Public Disclosure
4 Commission is deemed to have denied the petition for reconsideration if, within twenty days
5 from the date the petition is filed, the agency does not either dispose of the petition or serve the
6 parties with written notice specifying the date by which it will act on the petition. Pursuant to
7 RCW 34.05.470(5), the Respondent is not required to ask the Public Disclosure Commission to
8 reconsider the final order before seeking judicial review by a superior court.

9 The Commission will seek to enforce this final order in superior court under RCW
10 42.17.395-397, and recover legal costs and attorney's fees, if the penalty remains unpaid and
11 no petition for judicial review has been filed under chapter 34.05 RCW. This action will be
12 taken without further order by the Commission.

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15 DATED THIS 29th day of October, 2001.

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17 FOR THE COMMISSION:

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19 /s/

20 VICKI RIPPIE, Executive Director
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